

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BRYANT PERALTE, an infant by his m/n/g RAMONA
GARCIA & RAMONA GARCIA individually,

Plaintiffs,

-against-

THE CITY OF NEW YORK, POLICE OFFICERS JOHN
ROE 1-10,

Defendants.
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**CITY'S STATEMENT OF
UNDISPUTED FACTS
PURSUANT TO LOCAL
CIVIL RULE 56.1**

07 CV 6148 (RJH)

Defendant THE CITY OF NEW YORK (the "City") by its attorney, Michael A. Cardozo, Corporation Counsel for the City of New York, hereby submits this statement pursuant to Local Civil Rule 56.1 of the Local Civil Rules of the United States District Courts for the Southern and Eastern Districts of New York, to set forth material facts as to which they contend there are no genuine issues to be tried.

1. Plaintiffs filed the within Complaint on June 29, 2007 alleging violations of their federal and state and common law rights arising from an incident that allegedly occurred on December 28, 2006. (See Compl., Stavridis Decl. ¶ 2, Ex. A.)

2. On October 23, 2007, City defendants filed an Answer to the Complaint. (See Answer, Stavridis Decl. ¶ 2, Ex. B.)

3. An initial conference was held on November 30, 2007 wherein the City indicated that there was no documentation of the incident complained of, and that we therefore disputed that the incident occurred and consequently could not provide the names of the John Roe defendants requested or any documents related to the alleged incident. The Court issued an order directing plaintiff to submit a scheduling report to include

discovery cut-off date of March 31, 2008. (See Civil Docket Entry dated November 30, 2008.)

4. A status conference was held on April 11, 2008 wherein plaintiffs indicated that they did not want to conduct further discovery and wished to proceed with their suit against the City. The City requested leave to move for summary judgment, which was granted by the Court, and a motion scheduling order was issued. (See Civil Docket Entry No. 8.)

5. The only named defendant in this case is the City of New York. (See Compl., Stavridis Decl. ¶ 2, Ex. A.)

Dated: New York, New York
May 9, 2008

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By: _____
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